

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

August 10 2010

Nos. DA 09-0556 and DA 09-0605

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FILED

STATE OF MONTANA,

)

AUG 10 2010

Plaintiff and Appellee,

)

v.

)

ORDER

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DONNIE MACK SELLERS,

)

Defendant and Appellant.

)

)

Donnie Mack Sellers has appealed to this Court from two convictions for criminal offenses in Ravalli County. He was represented in those cases by an attorney from the Office of the State Public Defender (OSPD). After an attorney from the Office of Appellate Defender (OAD) was assigned to represent him in these appeals, Sellers filed a petition to remove the public defender from his case, alleging that the public defender system is a hoax, that it was created to cover up criminal conduct of its personnel, and that its attorneys have no interest in criminal activities being perpetrated against him by the Ravalli County public defenders. Sellers demanded that either an attorney be appointed to represent him or that he be allowed to represent himself. This Court stayed briefing in Sellers' appeals pending resolution of the representation issue. The District Court records and transcripts from both cases have been filed with this Court.

At the request of the OAD, attorney Colin Stephens appeared pro bono in these appeals on behalf of Sellers and petitioned to remove the OAD from representing Sellers. The petition was based upon the contention that OAD attorneys have conflicts of interest that will cause them to fail to pursue claims that public defender trial counsel was

ineffective. The OAD responded in opposition to this petition and this Court heard oral argument on the conflict issue on April 21, 2010.

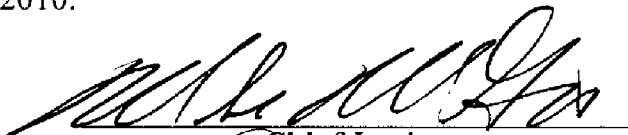
Meanwhile Sellers has continued to file pleadings in these appeals on his own behalf requesting that all attorneys employed by or connected with the OSPD, including Stephens, be removed from representing him. Most recently, on July 19, 2010 Sellers filed a "Motion to Dismiss All Attorneys and to Set Aside Oral Arguments of 4-21-10 as Moot." Sellers contends that he should not be forced to accept representation from attorneys that he contends do not represent his interests and who do not communicate with him. No person has filed a brief in opposition to Sellers' most recent motion.

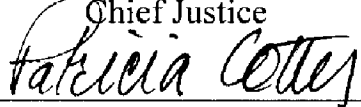
Upon due consideration, the Court has concluded that Sellers' motions should be granted. Therefore,

IT IS ORDERED that Sellers' motion to remove Stevens and all attorneys connected with the OAD from representing him in these appeals is GRANTED; Sellers' motion to proceed in these appeals as a self-represented litigant is GRANTED; and the prior stay of the briefing process in these appeals is VACATED. It is further ordered that Sellers' opening brief in each of his appeals shall be filed within 60 days of the date of this Order.

The Clerk is directed to mail a copy of this Order to Appellant Sellers and to counsel of record.

DATED this 10th day of August, 2010.



Chief Justice


Patricia Cotter

John Rice
W. William Beahm
Michael W. Beahm
Brian M. Beahm
Justices